IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4107 OF 2006
IN
FIRST APPEAL NO.2852 OF 2006

Dhanaji Ramchandra Chavan and ors. ...Applicants

vs.

Sayyed Saifulla @ Hussein
Abubkar-Inamdar and ors. ...Respondents

Mr.A.B.Borkar for the Applicants.
Mr.N.D.Hombalkar for the Respondent Nos.1 to 3

CORAM: A.S.OKA,J.
DATE : FEBRUARY 6,2007.

P.C.:

1. Heard Advocates for the parties. Shri Hombalkar for the Respondent Nos.1 to 3 submits that there is a finding recorded by the Trial Court that the Applicants are not in possession of the suit property. My attention has been invited to the order dated 23rd September 1992 passed by the Trial Court pending the suit. The said order was admittedly operating till the disposal of the suit. The said order was continued by this Court by way of ad-interim relief by order dated 22nd September 2006. Shri Hombalkar relies on the decision in Writ Petition No.8014 of 2004 and submits that the interim order passed in the said Petition establishes that the Applicants are not in possession. In the said Petition the only interim order passed is that the order directing the Appellants to pay requisite court fees has been stayed by this Court.

2. Considering the fact that the order of temporary injunction is continued from 23rd September 1992 till today, after admission of the Appeal same order deserves to be continued.

3. Hence, Application is disposed of by directing that ad-interim order passed on 22nd September 2006 will continue to operate till the final disposal of the Appeal.

JUDGE